



USER'S GUIDE TO THE DEVELOPMENT REVIEW PROCESS

San Luis Obispo County Department of Planning and Building

INTRODUCTION

This is your guide to land use permits. It is designed to help answer your questions about the process, including:

- ✓ Where do I begin, if I need to obtain a land use permit approval?
- ✓ What information must I provide to be sure my application is complete?
- ✓ How much will the process cost?
- ✓ After I submit my application, what will happen before my permit can be approved or denied?
- ✓ What considerations are reviewed before a decision is made to approve or deny a land use permit?
- ✓ How long will the process take?

WHAT IS A LAND USE PERMIT?

There are certain uses of land or types of businesses that may have an impact on their community. These uses are carefully reviewed through the land use permit process. Land Use Permits authorize a use and set conditions for its establishment and operation, and are required *in addition to* Construction Permits.

There are four types of land use permits: "Plot Plan," "Site Plan," "Minor Use Permit," and "Development Plan." Other types of approvals that are associated with land use include: "Variances," "Waivers," and "Adjustments."

Plot Plan approval, required for simple development projects, is given by the Planning Director through the planning department staff.

Site Plan approval, required to review more project details, such as landscaping or signage, is given by the Planning Director through the department staff.

Minor Use Permit approval, required for projects that may have the potential to cause neighborhood concerns, is given by the Hearing Officer (the Planning Director or a designee).

Development Plan approval, required for larger projects or other land uses that may have the potential to affect the neighborhood or community, is granted by the Planning Commission.

A *Variance* is requested by an applicant who wants relief from specific standards. A variance can not grant approval for uses otherwise not allowed, or reduce the minimum parcel size to less than allowed. There are very specific findings that must be made before a variance can be approved.

Waivers and Adjustments are used to waive or modify ordinance standards. The process is not as complex as a variance, however, only adjustments and waivers that are set forth in the ordinance can be requested.

POINTS TO CONSIDER

There are a number of issues you should consider when designing your project and preparing your application, including:

- ◆ What is the current zoning and does it allow my proposed project?
- ◆ Are there specific standards from the Area Plan document that apply to my property?
- ◆ What are the permit fees?
- ◆ What different kinds of permits may be required?
- ◆ Will the project raise environmental concerns?
- ◆ Is the site near any hazards? (creeks, airports, earthquake faults)
- ◆ What utilities will I need?
- ◆ Are the roads adequate?
- ◆ Are the fire safety provisions adequate?

LAND DEVELOPMENT IN THE COUNTY

Land use regulations are important to any person considering land development because the regulations determine:

- ◆ How a particular lot can be used;
- ◆ Where particular uses are allowed; and
- ◆ What requirements and permit procedures must be completed before a particular use is allowed.

Most regulations for the use and development of land are found in four documents: (1) the Land Use Element of the general plan; (2) the Land Use Ordinance (the zoning ordinance); (3) the Real Property Division Ordinance; and (4) the Building and Construction Ordinance. All the

elements of the adopted general plan are also used in project review. Because a portion of this county is within the *coastal zone*, which is a specific area designated by the 1976 California Coastal Act, the county has two Land Use Elements of the general plan and two Land Use Ordinances. The Land Use Element/Local Coastal Plan and the Coastal Zone Land Use Ordinance apply to the portions of the county within the coastal zone. The Land Use Element and the Land Use Ordinance apply to areas outside of the coastal zone - the inland portions of the county.

1 WHERE DO I BEGIN?

In an initial meeting with a staff planner, you will be given an overview of the process and a checklist of the information and materials you will need to provide for a complete land use permit application. Call the Planning Department at 781-5600 to make an appointment.

2 WHAT INFORMATION MUST I PROVIDE AND HOW MUCH WILL THE PROCESS COST?

An application for a land use permit must include the following information:

- A. **General Permit Application** A standardized application which provides general information about the applicant, the property owner, and the property. On the back of this application is the "Consent of Landowner" form authorizing an agent to act for the landowner.
- B. **Land Use Permit Application**. This form provides specific information about the requested project. In addition, there may be other specialized application forms that need to be completed such as: Variance, Tree Removal, and Curb, Gutter and Sidewalk Waiver.
- C. **Information Specified on Checklist**. A checklist is provided with your application package. At your pre-application meeting, staff will tell you which of the reports, maps, plans, and drawings you need to provide from the checklist. If you have any questions about the specific information you need to include with your application, staff can assist you either in person or by telephone.

- D. **Public Hearing Notice Mailing List** For Minor Use Permits, Development Plans and Variances, state law requires that a public hearing be held before any action is taken. Applicants must provide a list of Assessor Parcel Numbers for all parcels within the area of the proposed project and within 300 feet of any boundary of the proposed project. For more information, refer to the information bulletin "Public Hearing Notice Mailing List."

- E. **Environmental Description Form** Only those projects that can not be found to be exempt from an environmental determination will require this form providing pertinent information about the physical characteristics of the site. The information will be used to complete the environmental review of the requested project, as required by the California Environmental Quality Act (CEQA).

- F. **Filing Fees** The filing fees for land use permits are set by the county fee ordinance each year. Fees vary depending on the complexity of the permit. For more information about the application fee, contact department staff at (805) 781-5605.

3 WHAT HAPPENS NEXT?

Once your completed application is filed, planning staff will review the information provided, visit and check the project site in the field, and send project referrals to various agencies that have an interest in the proposed project. In addition, an interagency review meeting to discuss the project is held with all agencies involved with the review of your project.

- A. **Completeness Determination**. Within 30 days of submission of your application, staff will complete the initial review. The site will be viewed and a letter will be sent to you if additional information is needed. Submitting complete information with your initial application will speed this review process. Once staff determines that your application is complete, a letter formally accepting your application for processing is sent to you. Accepting an application for processing **does not** guarantee that the project will be approved. The proposal must still undergo environmental review, a detailed staff analysis, and public hearings. If problems are identified, the project may be denied, or it may change as part of its approval.

B. **Environmental Review** As required by the California Environmental Quality Act (CEQA), the application will be subject to an environmental review to determine if significant environmental impacts could result from the proposed project. The review will result in either an “*Exemption*” (either *categorical or general rule*), a *Negative Declaration (ND)*, or a determination that an *Environmental Impact Report (EIR)* is required. An Exemption from environmental review is granted for certain categories of projects or when, as a general rule, no impacts are associated with a project. An official statement asserting the county's position that the proposed project would produce no significant environmental impacts is called an N.D. An EIR is required when the proposed application has the potential to produce significant environmental impacts. It thoroughly analyzes those potential environmental impacts and recommends specific mitigation measures designed to minimize or otherwise address each impact. When an EIR is recommended by staff, an applicant may request that the Board of Supervisors decide whether or not to require an EIR.

C. **Decision** Some land use permits require a public hearing before a decision is made. *Plot Plans* and *Site Plans* do not require a public hearing and are approved by the Planning Director (or a designee). A public hearing can be required before a *Minor Use Permit* is approved, if requested by a neighbor or the applicant within 10 days of the date of the public hearing notice. In that case, the Administrative Hearing Officer (Planning Director or a designee) makes the decision to approve, approve with conditions, or deny the project. *Development Plans* and *Variances* always require a public hearing. The Planning Commission holds this hearing. The Commission decision is based on consideration of the staff report, information the applicant provides, and comments from the public. It is extremely important that the applicant attend any hearing and be prepared to answer questions about the proposal.

D. **Appeal** Decisions on land use and associated permits may be appealed. In the case of Planning Director (or a designee) approvals, the appeal is heard by the Planning Commission. In the case of Administrative Hearing Officer or Planning Commission decisions, the appeal is heard by the Board of Supervisors. An appeal is completed by holding a public hearing on the issue(s) raised in the appeal. Any interested person or the applicant can appeal all or part of the project.

As in the case of any public hearing, it is essential that the applicant attend. Except for projects located within the Coastal Zone, the Board decision is final.

E. **Projects Within the Coastal Zone** California state law allows for approved projects located within the Coastal Zone to be appealed to or by the California Coastal Commission. A hearing before the Coastal Commission is scheduled by its staff. This hearing will likely be held in a location outside of the county. The Coastal Commission's determination on whether to hear the appeal, and any decision they render, is final.

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WHAT IS CONSIDERED IN APPROVING OR DENYING A PROPOSED PROJECT?

In requesting approval of a land use permit, applicants should keep in mind that the project will be carefully reviewed to determine how the proposal relates to the specific site, and how it may affect its neighborhood and the community. To put it another way, the decision-makers want to be sure that the development fits with the surrounding area and supports adopted community goals. The following concerns are likely to be considered before any decision is made on a project.

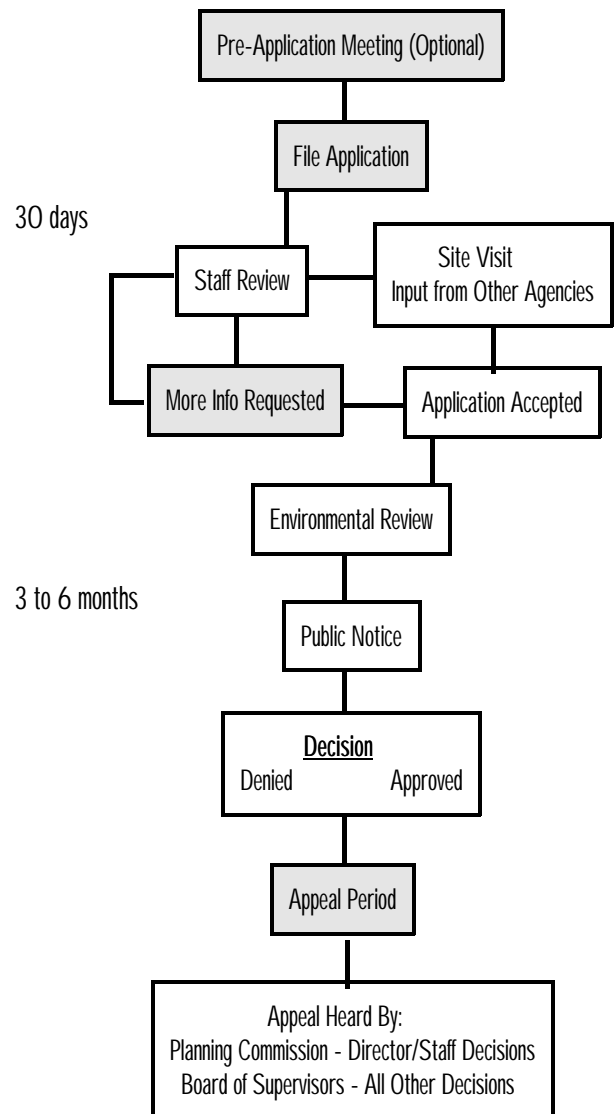
A. **General Plan Consistency** A proposed project must be found to be consistent with all the goals, objectives, policies and standards that are set forth in the adopted county general plan.

B. **Area Plan & Land Use Ordinance Standards** The foremost considerations are whether the project is an allowed use and whether it meets all the standards set forth in the applicable Planning Area Standards and the Land Use Ordinance. It must maintain the health and safety of the community and be compatible with the existing uses in the area. The site must also be able to accommodate the proposed use.

C. **Relationship to Community Goals** A proposed project that furthers community planning goals is more likely to be approved than one that hinders them. Most communities have goals that encourage certain land uses or densities within the community. Projects should have the community's support and further those goals, such as avoiding “leapfrog” growth and achieving the community's desired mixture and type of land uses.

- D. **Relationship to Surrounding Land Uses** New uses on a site are evaluated to determine whether they are consistent with existing uses on surrounding properties.
- E. **Environmental Impacts** Proposed projects are evaluated to determine whether they would adversely affect the environment. Proposed projects should be designed to avoid or minimize environmental impacts.
- F. **Land Capability and Service Availability** Whether the land can support the types of development proposed will be evaluated. Topography, sensitive environmental resources, service availability, and access will all be considered.

DEVELOPMENT REVIEW PROCESS



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HOW LONG WILL THE PROCESS TAKE?

Processing times vary depending upon the site, and the complexity and environmental impacts associated with the project. In most cases, a land use permit that requires a public hearing takes three to six months to process. A Plot Plan is generally approved within a week, or simultaneously with your construction permit. A Site Plan takes about two to four months to process. You can help expedite the review process by making sure your application is complete, your proposal is clearly stated, all required information is provided and environmental impacts are avoided. The Department of Planning and Building is available to answer your questions regarding any application requirement. For more information, call (805) 781-5600 and ask for the current planning section.

This guide is designed to provide general information only. It is not a county ordinance or policy and has no legal effect. The general plan and other chapters of the San Luis Obispo County Code are the official regulations of the county. Those documents, rather than this guide, are the only legal basis for assessing how county regulations affect property development. 1997